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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/809,043
Filing Date: March 25, 2004
Appellant(s): SAASKI ET AL.

Rod S. Turner (Reg. No: 38,639)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/08/07 appealing from the Office action mailed 09/07/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,176,612

Changnoux

06-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 rejected under 35 U.S.C. 102(b) as being anticipated by Changnoux [US 6,176,612].

Regarding claims 1 and 10, Changnoux discloses a portable, wrist-worn, personal electronic device [a watch] comprising:
a case [not explicitly numbered] including a component space [space in middle part 2 for holding watch internal components], the case comprising a front side and, on the opposite side of the case, a reverse side [the sides are not explicitly numbered], a wristband structure [wristlet 1] for wrist attachment of the case, there being two attachment points between the case and the wristband structure on different edges of the case [figures 4-6], the wristband structure comprising a front side and, on the opposite side of the wristband structure, a reverse side [the sides are not explicitly numbered], at least one of the front side and the reverse side of the wristband structure being in contact with a user's wrist when the device is worn; and an attachment arrangement at both attachment points for attaching the case and the wristband structure to one another, each attachment arrangement comprising a positioning structure [4a and 4d] for mutual positioning of the case and the wristband structure and a locking arrangement [see figures 4-6] for interlocking the case and the wristband

structure, wherein for enabling attachment of the wristband to the case from the front side of the case with the reverse side of the wristband structure ahead, each attachment arrangement has a positioning structure that comprises positioning means [2b and 2c] locating in the case wall and extending in the direction between the front side and the reverse side of the case, and as counterparts of the positioning means belonging to the case the positioning structure comprises positioning counterparts [4b and 4c] on the reverse side of the wristband structure, the direction of which positioning counterparts corresponds to that of the positioning means belonging to the case structure, and that in each attachment arrangement the locking structure comprises, on the reverse side of the wristband, a locking projection structure [4a and 4d] that is an integral pad of the wristband, and as a counterpart of said locking projection structure the case comprises a locking counterpart [2a and 2d] to prevent the wristband from becoming apart from the case.

Regarding claim 2, Changnoux discloses wherein the locking projection structure [4a and 4d] on the reverse side of the wristband structure extends in the same direction as the positioning counterparts [4b and 4c] on the reverse side of the wristband.

Regarding claim 3, Changnoux discloses wherein the locking counterpart comprised by the case and serving as a counterpart of the locking projection structure comprised by the wristband comprises a locking projection space [grooves in 2a and 2d as best illustrated in figures 1 and 3] delimited by the case wall material, to which space the locking projection structure extends.

Regarding claim 4, Changnoux discloses wherein the locking counterpart [2a and 2d] comprised by the case comprises a locking means [2e] that is transverse to the locking projection space [grooves in 2a and 2d] for locking in place the locking projection structure [4a and 4d] fitted into the locking projection space [grooves in 2a and 2d] by means of the locking means comprised by the locking projection structure.

Regarding claim 5, Changnoux discloses wherein the locking projection structure [4a and 4d] comprised by the wristband is a strainable stem structure, which, when strained, can be fitted into the locking projection space of the locking counterpart comprised by the case [figure 6].

Regarding claim 6, Changnoux discloses wherein the locking projection space, delimited by the case wall and comprised by the locking counterpart of the case, for the locking projection structure of the wristband extends in the same direction as the positioning means of the case [best illustrated in figures 1, 2 and 6].

Regarding claim 7, Changnoux discloses wherein the positioning means [2b and 2c] belonging to the case structure and extending in the direction between the front and the reverse of the case are recess-like spaces delimited by the case wall [figures 1 and 2].

Regarding claim 8, Changnoux discloses wherein the positioning counterparts [4b and 4c] comprised by the wristband structure are stud-like pads.

Regarding claim 9, Changnoux discloses wherein there are at least two pairs of positioning means comprised by the case and positioning counterparts of the wristband at each mutual attachment point of the wristband structure and the case, and that these

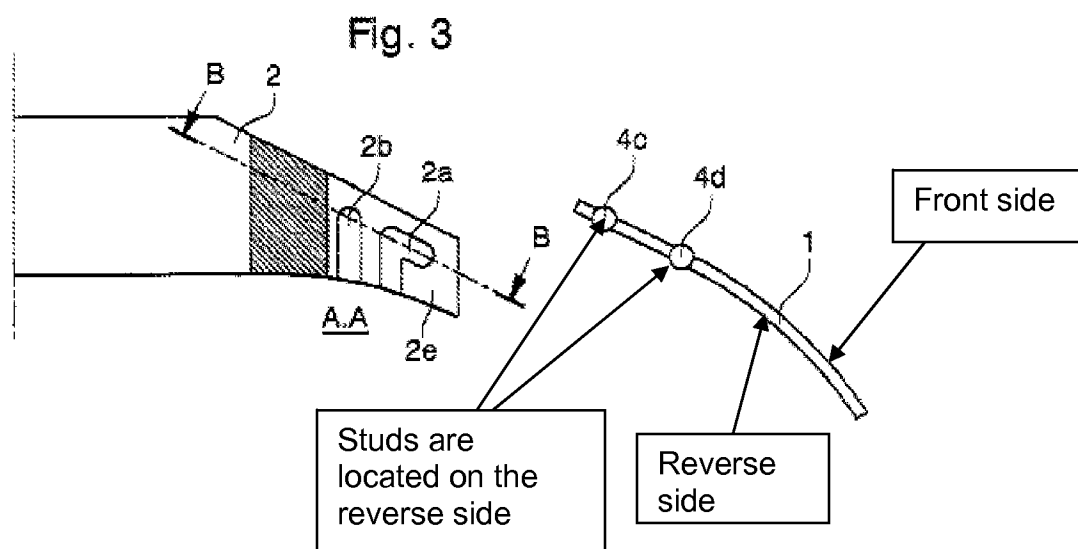
pairs of positioning means/positioning counterparts are on different sides of the longitudinal median line of the device [figure 1; in the figure only one wristband is shown instead of two].

(10) Response to Argument

On pages 6-7 of the Appeal Brief, the appellant recites the invention of Changnoux. The examiner agrees with what appellant has recited. On page 7, the appellant argues, "In contrast, locating the positioning counterparts on the reverse side of the wristband structure, as required by Claim 1 of the subject application, provides for the fast, easy, and reliable attachment of the wristband to the case..." The appellant gives only his opinion on why his invention is an improvement without sufficient proof being provided.

On page 8 of the Appeal Brief, the appellant argues, "the Examiner fails to recognize that the limitation concerning the front and the reverse sides of the wristband structure was added to further clarify that portion of the wristband (the reverse side) on which the positioning counterparts are located" and "Stated differently, appellant is not merely reciting the existence of front and reverse sides of the wristband, but that the position counterparts are located on the reverse side, which is either in contact with the user's wrist or opposing the side which is in contact with the user's wrist when worn. In contrast, the studs (positioning counterparts) described in Changnoux and shown in Figures 2 and 3 are clearly located on the right and left edges of the wristband." The examiner agrees with the appellant that the studs of Changnoux are located on the right

and left edges of the wristband. However, the examiner disagrees with the assertions that the examiner fails to recognize the claimed limitations. As disclosed in specification, column 2 lines 51-57, and the drawings, figures 1 and 3, the studs are also located on the reverse side **or** opposing the side which is in contact with the user's wrist when worn. As shown in figure 3, the studs are located on the horizontal plan of the front/reverse side of the wristband. Therefore, the claimed limitations are indeed met by Changnoux.



On page 9 of the Appeal Brief, the appellant argues, "...Claim 1 recites that the positioning counterparts are located on the reverse side of the wristband structure, and

that the direction of the positioning counterparts corresponds to that of the positioning means belonging to the case structure.” The examiner disagrees with the appellant’s assertion that Changnoux fails to disclose the claimed limitations. As stated above and disclosed in the rejections, Changnoux discloses of such. The appellant further argues, “Claim 2 recites that the positioning counterparts extend in the same direction as the locking projection structure on the reverse side of the wristband, Claim 8 recites that the positioning counterparts are stud like parts, and Claim 9 recites that the pairs of positioning means and positioning counterparts are on different sides of the longitudinal median line of the device. Thus, by his own admission, the Examiner has not considered any of the foregoing limitations defined in the pending claims.” The examiner disagrees with the appellant’s assertion. As stated in the rejection, the examiner has considered the claimed limitations and Changnoux does disclose such limitations. As shown in figure 1, the position counterparts 4c&b are stub-like pads and pairs of positioning means 2c&d and positioning counterparts are on different sides of the longitudinal median line of the device. Furthermore, claims 2, 8 and 9 depend on claim 1, and the appellant argues the allowability of the claims, but fails to specifically point out how the language of these claims patentably differentiates themselves from Changnoux and thus the claims are anticipated as stated in the above rejection and the above responses.

On page 9-10 of the Appeal Brief, the appellant argues, “Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference or embodied in a single prior art device or practice...Accordingly, it is well

established in the law that an Examiner must explicitly explain how each and every element of a claim is described in the prior art. No element can simply be ignored." The examiner agrees with the appellant regarding the recites law(s). However, as stated in the rejections and disclosed in the Changnoux reference. The examiner has provided adequate element matching for the claimed limitations.

On page 10, the appellant argues, "Claim 1 requires a positioning structure with positioning counterparts located on the reverse side of the wristband structure, which is either in contact with the user's wrist when the device is worn. As best shown in Figure 2 of Changnoux, the projections 4a-d extend from the sides of the wristband, which not in contact with the user's wrist when the device is worn. The Changnoux specification is entirely silent on placement of these projections on either the front or reverse side of the wristband. Thus, Claim 1 cannot be said to be anticipated under prevailing Federal Circuit law." The examiner agrees with the appellant that figure 2 of Changnoux substantially show that the projections 4a-d extend from the sides of the wristband. However, as discussed above, Changnoux disclosed the claimed invention, therefore the claim is anticipated by Changnoux.

Art Unit: 2834

For the foregoing reasons, claims 1-10 are anticipated as stated in the above rejections and responses.

For the above reasons, it is believe the rejections should be sustained.

Respectfully submitted,

Thanh Phan

02/15/08

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